

X513  
BILL NO. G-92-07-06

GENERAL ORDINANCE NO. G- Withdrawn

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the city of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public alley within the City of Fort Wayne, more specifically described as follows, to-wit:

The 10 foot wide alley bounded on the West by Lots Numbered 398 and 407 in Hanna's Addition to the City of Fort Wayne, bounded on the East by Lots Numbered 397 and 408 in said Hanna's Addition, bounded on the North by West Jefferson Boulevard, and bounded on the South by Lewis Street, said alley being more particularly described as follows, to-wit:

Beginning at the Northeast corner of said Lot Number 407; thence Easterly, on and along the South right-of-way line of West Jefferson Boulevard, a distance of 10.0 feet to the Northwest corner of said Lot Number 408; thence Southerly, on and along the West line of said Lots Numbered 408 and 397, a distance of 205.47 feet (recorded 205.35 feet) to the point of intersection of the West line of said Lot 397 with the North right-of-way line of Lewis Street; thence Westerly, on and along said North right-of-way line, a distance of 10.19 feet to the point of intersection of said North right-of-way line with the East line of said Lot Number 398; thence Northerly, on and along the East lines of said Lots Numbered 398 and 407, a distance of 203.5 feet (recorded 199.5 feet) to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

X513  
1 SECTION 2. That this Ordinance shall be in full force  
2 and effect from and after its passage, any and all necessary  
3 approval by the Mayor.

Mark E. Gaudens  
4 COUNCILMEMBER

5 APPROVED AS TO FORM AND LEGALITY:  
6 J. Timothy McCaulay  
7 J. TIMOTHY McCAULAY, CITY ATTORNEY

8 \*\* Public hearing to be held on \_\_\_\_\_,  
9 the \_\_\_\_\_ day of \_\_\_\_\_, 1992,  
10 in the Council Chambers.

11  
12 Sandra E. Kennedy, City Clerk

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Read the first time in full and on motion by Edmonds,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City County Building, Fort  
Wayne, Indiana, on 19, the 19 day of  
M., E.S.T. o'clock

DATED: 7-14-62

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>LUNSEY</u>	_____	_____	_____	_____
<u>RAVINE</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: 7-14-62

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

## RECEIPT

No 10912

COMMUNITY &amp; ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

6-10 1992

RECEIVED FROM

Christoff, Christoff

\$ 150.00

THE SUM OF

One hundred Fifty <sup>00</sup>/<sub>100</sub>

DOLLARS

ON ACCOUNT OF

alley vacation

PAID BY: CASH  CHECK  M.O. 

AUTHORIZED SIGNATURE

7995

J.

Date Filed: June \_\_\_\_\_, 1992

VACATION PETITION

We, Thomas F. Druley, Joseph Christoff, Virginia L. Christoff, Catherine S. Christoff and Joseph A. Christoff Petition to Vacate the alley between us

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners being all of the adjacent property owners, do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following alley with the City of Fort Wayne, Indiana, and hereby described in the attached legal description, Exhibit "A".

In support thereof, your petitioners would represent as follows:

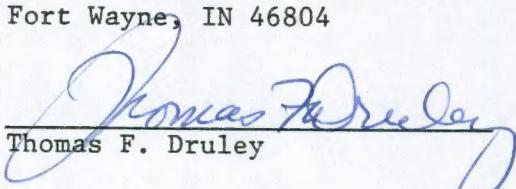
1. That they are the only owners of real estate bordering both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties.
3. That no person, firm, or corporation is interested in or affected by the requested vacation.
4. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
5. None of the adjacent owners make claim for damages of any kind.

Your petitioners file this petition pursuant to the authority granted in the Indiana Code, and provisions of the local ordinance, in order to complete the vacation as described.

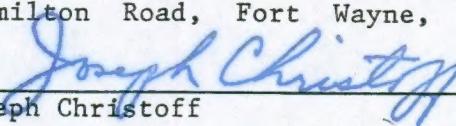
WHEREFORE, your petitioners all being of legal age and competent to do so pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

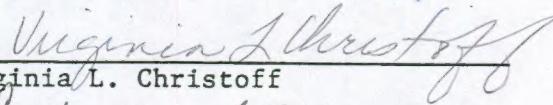
Dated this \_\_\_\_\_ day of June, 1992

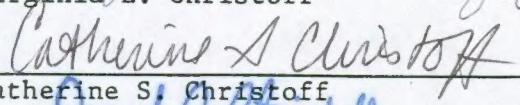
Thomas F. Druley  
10129 Covington Road  
Fort Wayne, IN 46804

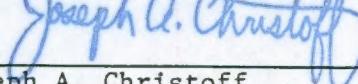
  
Thomas F. Druley

Joseph Christoff, Virginia L. Christoff  
12911 Aboite Center Road, Fort Wayne, IN  
46804; Catherine S. Christoff, 2405  
Florida Drive, Fort Wayne, IN 46805,  
and Joseph A. Christoff, 4514 West  
Hamilton Road, Fort Wayne, IN 46804

  
Joseph Christoff

  
Virginia L. Christoff

  
Catherine S. Christoff

  
Joseph A. Christoff

ZOHRAB K. TAZIAN, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.



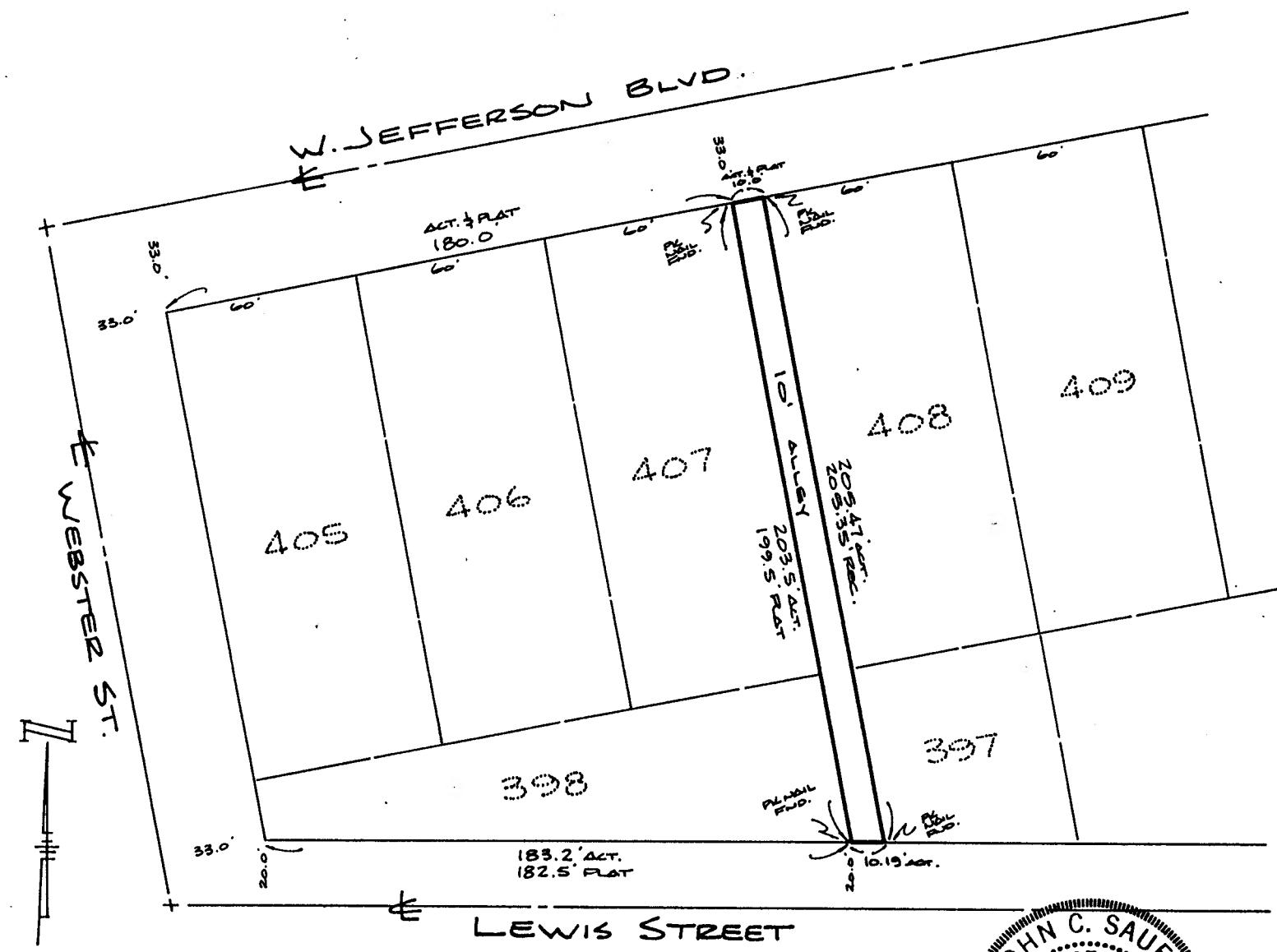
## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

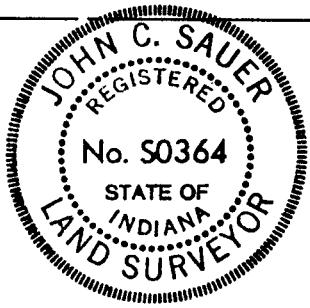
### DESCRIPTION OF REAL ESTATE

The 10 foot-wide alley bounded on the West by Lots numbered 398 and 407 in Hanna's Addition to the City of Fort Wayne, bounded on the East by Lots numbered 397 and 408 in said Hanna's Addition, bounded on the North by West Jefferson Boulevard, and bounded on the South by Lewis Street, said alley being more particularly described as follows, to wit:

Beginning at the Northeast corner of said Lot number 407; thence Easterly, on and along the South right-of-way line of West Jefferson Boulevard, a distance of 10.0 feet to the Northwest corner of said Lot number 408; thence Southerly, on and along the West line of said Lots numbered 408 and 397, a distance of 205.47 feet (recorded 205.35 feet) to the point of intersection of the West line of said Lot 397 with the North right-of-way line of Lewis Street; thence Westerly, on and along said North right-of-way line, a distance of 10.19 feet to the point of intersection of said North right-of-way line with the East line of said Lot number 398; thence Northerly, on and along the East lines of said Lots numbered 398 and 407, a distance of 203.5 feet (recorded 199.5 feet) to the point of beginning.



I hereby certify on the 8 day of June, 19 92 that the above survey is correct.  
Surveyed for: Christoff & Druley  
Survey No.:



RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-07-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

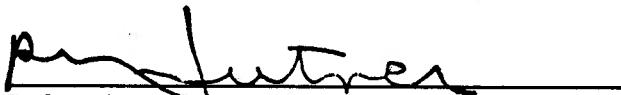
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

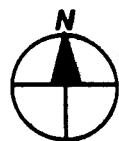
Certified and signed this  
2nd day of February 1993.

  
\_\_\_\_\_  
Robert Huther  
Secretary

## VACATION PETITION

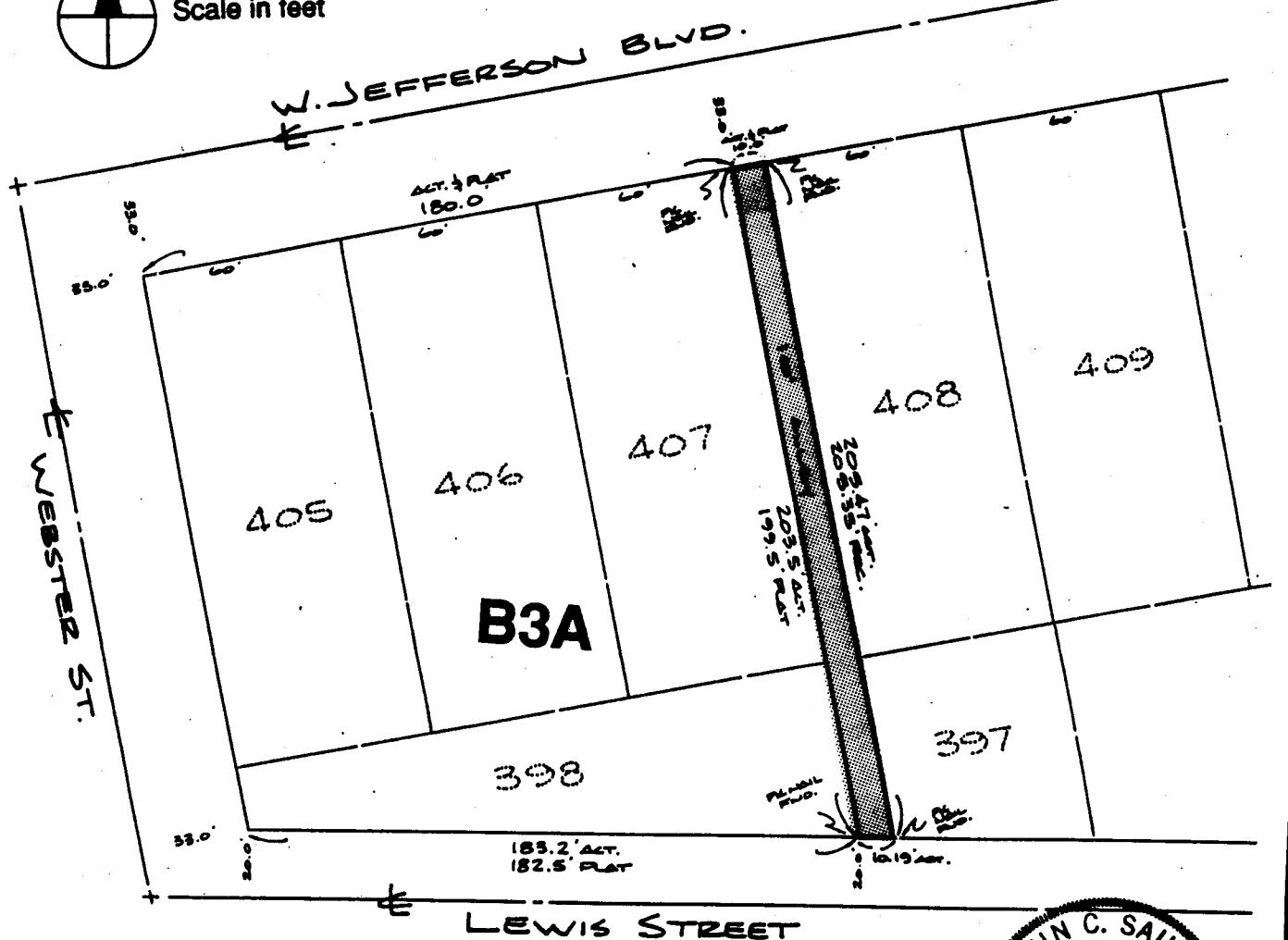
## AREA MAP

CASE NO. #513



0 25 50 100

Scale in feet



I hereby certify on the 8 day of June, 19 92 that the above survey is correct.  
 Surveyed for: Christoff & Druley  
 Survey No.:

John C. Sauer

EXHIBIT A



COUNCILMANIC DISTRICT NO. 1

Map No. M-6  
LW 6-22-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

**FACT SHEET**

G-92-07-06

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON
Alley Vacation Ordinance		

**DETAILS**

<b>Specific Location and/or Address</b> The N/S alley E of Webster Street, between Jefferson Blvd., & Lewis Street.
--

**Reason for Project**

Petitioners felt it would be to the advantage of the City to vacate the alley and revert the maintenance to the adjacent property owners, since it was no longer necessary for access to any properties except their property.

**Discussion (Including relationship to other Council actions)****STATUS:**

Public Hearing was held on this petition on July 20, 1992. It was granted a "Conditional Approval" at the July 27, 1992 Business Meeting.

Staff sent a letter indicating the conditions that needed to be met on July 28, 1992. Our records do not indicate that the conditions have been satisfied.

On January 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by January 15, 1993 would cause the petition to be returned to the Plan Commission for reconsideration.

**1 February 1993 - Business Meeting**

In response to staff's letter of January 6, 1993 and follow up phone conversations, Mr. Christoff has elected to request a withdrawal of the vacation petition.

Motion was made and seconded to return the

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Joseph Christoff City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) WITHDRAWN
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS**

ordinance to the Common Council with a recommendation that the petition be WITHDRAWN.

Of the seven (7) members present, six (6) voted in favor of the withdrawal, one (1) did not vote.

Motion carried.

**POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**

**Date** 10 June 1992

**Projected Completion or Occupancy**

**Date** 2 February 1993

**Fact Sheet Prepared by**

**Date** 2 February 1993

Patricia Biancaniello

**Reviewed by**

**Date**

2 FEBRUARY 1993

**Reference or Case Number**

*[Handwritten Signature]*

# CHRISTOFF & CHRISTOFF

ATTORNEYS AT LAW  
MERRILL LYNCH PLAZA, SUITE 22  
130 WEST MAIN STREET  
FORT WAYNE, INDIANA 46802  
Telephone (219) 422-1561

ATTORNEYS  
Joseph Christoff  
Joseph A. Christoff  
Catherine S. Christoff

January 13, 1993

City of Fort Wayne  
One Main Street  
Fort Wayne, IN 46802

Attention: Wayne E. O'Brien, Esq. City Plan Commission

Re: G-92-07-06  
Vacation Petition

Gentlemen:

Because of the present location of the sewer line in the alley, the affected owners in the block have elected to withdraw the Petition to vacate the alley described in the above filed petition.

Thanking you kindly for your cooperation and assistance in this matter, I remain,

Very truly yours,

CHRISTOFF & CHRISTOFF

By *Joseph Christoff*  
Joseph Christoff

gds  
pc: Thomas F. Druley

**Reconsideration of Bill # G-92-07-06**

Petition: Joseph Christoff, Virginia L. Christoff, Catherine S. Christoff, Joseph A. Christoff, and Thomas F. Druley, requested the vacation of a public alley.

Location: The north-south alley east of Webster Street, between Jefferson Blvd. and Lewis Street.

Status: Granted a "Conditional Approval" on July 27, 1992.

Staff sent a letter indicating the conditions that needed to be met on July 28th. Our records do not indicate that the conditions have been satisfied.

On Jan. 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by the 15th would cause the petition to be returned to the Plan Commission for reconsideration.

**Planning Staff Discussion:**

The staff does not recommend the vacation of any alley or easement unless the conditions addressing the need for replacement utility easement or relocations are satisfied as applicable.

Recommendation: Do Not Pass for the following reasons:

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

-or-

In response to staff's letter of Jan. 6th and follow up phone conversations, Mr. Christoff has elected to request a withdrawal of the vacation petition. Staff would support this request, and:

Recommendation: Withdrawal as requested by the petitioner.

XX 513  
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 10 foot wide, north-south alley,  
located between W Jefferson & Lewis Street, east of Webster  
Street.

8-92-07-06

EFFECT OF PASSAGE Property is currently dedicated public  
right-of-way. Property will be vacated and revert to the  
ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public  
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

BILL NO. G-92-07-06

REPORT OF THE COMMITTEE ON  
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS  
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) amending the  
Thoroughfare Plan of the City Comprehensive ("Master") Plan  
by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION) \_\_\_\_\_

DO PASS

DO NOT PASS

## ABSTAIN

NO REC

DATED: 2-9-93

Sandra E. Kennedy  
City Clerk